This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS

1.   (original) A system for vending copies of an electronic work, the system including:

    (a) a computer system for receiving a plurality of bids from a plurality of bidders;

    (b) a memory unit for storing the bids;

    (c) bid sampling logic for selecting (i) a bid from a bidder, and (ii) a sample of one or more-bids from the plurality of bids, wherein the sample does not include the bid from the bidder;

    (d) a processor for deriving a threshold from the sample of bids, and for using the threshold to determine whether to vend a copy of the electronic work to the bidder; and

    (e) a network interface unit for sending a copy of the electronic work to the bidder.

2.   (original) A system as in claim 1, further including:

    (f) payment processing software for collecting payment for the electronic work from the bidder.

3.   (currently amended) A system as in claim 1, in which the ~~number of~~ copies of the electronic work ~~that are~~ available to be vended <u>by the system comprise a quantity of copies that is greater than</u> ~~exceeds~~ the ~~number~~<u>quantity</u> of bids in the plurality of bids.

4.   (original) A system as in claim 1, in which the sample of bids is selected from the plurality of bids in a random fashion.

5.   (original) A system as in claim 1, in which the network interface is operable to send a copy of the electronic work to the bidder in a relatively secure manner.

6.   (original) A method for distributing copies of an electronic work, the method including:

    (a) receiving a plurality of bids from a plurality of bidders;

    (b) selecting a first bid from the plurality of bids, the first bid being submitted by a first bidder;

    (c) selecting a first sample of bids from the plurality of bids, the first sample of bids not including the first bid;

    (d) deriving a first threshold from the first sample of bids;

    (e) comparing the first bid with the first threshold;

    (f) determining whether to distribute a copy of the electronic work to the first bidder based, at least in part, on the comparison;

wherein copies of the electronic work are in effectively unlimited supply, and wherein a maximum number of copies of the electronic work to be distributed is not specified in advance of receiving the plurality of bids.

7.   (original) A method as in claim 6, further including:

    (g) selecting a second bid from the plurality of bids, the second bid being submitted by a second bidder;

    (h) selecting a second sample of bids from the plurality of bids, the second sample of bids not including the second bid;

    (i) deriving a second threshold from the second sample of bids;

    (j) comparing the second bid with the second threshold;

(k) determining whether to distribute a copy of the electronic work to the second bidder based, at least in part, on the comparison.

8.   (original) A method as in claim 6, in which steps (b) through (f) are repeated for each bid in the plurality of bids.

9.   (original) A method as in claim 6, further including:

(g) selecting a second bid from the plurality of bids, the second bid being submitted by a second bidder and the second bid not being contained in the first sample;

(h) comparing the second bid with the first threshold;

(i) determining whether to distribute a copy of the electronic work to the second bidder based, at least in part, on the comparison.

10.   (original) A method as in claim 6, further including:

(g) obtaining payment from the first bidder in an amount equal the first threshold.

11.   (original) A method as in claim 6, in which the first sample comprises a single bid, and in which the threshold comprises the bid value of said single bid.

12.   (withdrawn) A method for vending a digital file, the method including:

receiving a plurality of bids, each bid being submitted by a bidder, and each bid having a bid value;

assigning a weighting factor to each bid, the weighting factor being based, at least in part, on the bid value;

selecting a first bid from the plurality of bids, the first bid having been submitted by a first bidder;

selecting a second bid from the plurality of bids, the second bid being selected in a manner that is dependent, at least in part, on the weighting factor assigned to the second bid;

performing a comparison of the value of the first bid with the value of the second bid;

using the results of the comparison to determine whether to vend a copy of the digital file to the first bidder; and

sending a copy of the digital file to the first bidder.

13.   (withdrawn) A method as in claim 12, in which selecting the second bid from the plurality of bids comprises randomly selecting a bid from the plurality of bids, wherein the probability of selecting any given bid in the plurality of bids is proportional to the bid's weighting factor.

14.   (withdrawn) A method as in claim 12, in which the weighting factor for each bid is proportional to the bid's value in relation to the values of the other bids in the plurality of bids.

15.   (withdrawn) A method as in claim 14, in which the weighting factor for each bid is proportional to the bid value divided by the highest bid value in the plurality of bids.

16.   (withdrawn) A method as in claim 12, in which the number of copies of the digital file to be vended is not specified in advance of receiving the plurality of bids.

17.   (original) A method for distributing a digital file, the method including:

receiving a plurality of bids, each bid being submitted by a bidder, and each bid having a bid value;

selecting a first sample of bids from the plurality of bids;

PATENT
Appln. No. 09/666,339
Customer No. 22,852
Amdt. dated April 6, 2004
Attorney Docket No. 7451.0030-00
Reply to Office action dated Oct. 6, 2003
InterTrust Ref. No.: IT-29.1 (US)

determining a threshold for the first sample of bids;

selecting a second sample of bids from the plurality of bids;

selecting a first bid from the second sample of bids;

performing a comparison between the value of the first bid and the threshold; and

sending a copy of the digital file to the bidder of the first bid if the first bid exceeds the threshold.

18. (original) A method as in claim 17, in which the threshold is chosen to maximize a quantity obtained by multiplying (a) the number of bids in the first sample that exceed the threshold, by (b) the bid value of the highest bid in the first sample that is less than or equal to the threshold.

19. (original) A method as in claim 17, in which the second sample of bids and the first sample of bids are mutually exclusive.

20. (original) A method as in claim 19, in which the second sample of bids includes each of the plurality of bids except for the bids in the first sample.